

Ry



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,709	07/24/2001	Chang Kwon Lee	P-0236	1806
34610	7590	11/22/2005	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			ANWAH, OLISA	
			ART UNIT	PAPER NUMBER
			2645	
DATE MAILED: 11/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,709

Applicant(s)

LEE ET AL.

Examiner

Olisa Anwah

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 27, 30 and 37 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hasegawa et al, U.S. Patent No. 6,570,080 (hereinafter Hasegawa).

Regarding claim 30, Hasegawa discloses a method of transmitting a compressed digital data file (see MIDI files from column 1), comprising:

identifying a receiver terminal (2);

selecting a compressed data file (s2) from a compressed data file list (s25); and

Art Unit: 2645

transmitting data for identifying (Ck/Figure 8) and the selected compressed data file (Cc) to the receiver terminal (S31), the data for identifying (Ck/Figure 8) having a file information of the compressed digital data (Cc), wherein the data for identifying and the selected compressed data file are separately transmittable (see Figure 2).

Regarding claim 27, Hasegawa discloses a digital data transmitting/receiving terminal (2), comprising:

- a display unit for outputting visual digital data (see Figures 1 and 9);

- a compressed digital data outputting unit for outputting compressed digital data (26);

- a key pad for generating input digital data according to a user's input command (20);

- a memory for storing digital data (23);

- a wireless transmitting/receiving unit for transmitting and receiving digital data (25); and

- a controller (22) for controlling flow of the digital data (see MIDI files from column 1), wherein the controller includes a data discriminating function to discriminate whether the digital data received by the wireless transmitting/receiving unit includes recognition data (Ck/Figure 8) having a file

Art Unit: 2645

information of the compressed digital data (Cc), and wherein the recognition data (Ck/Figure 8) and the corresponding compressed digital data (Cc) are capable of being separately transmitted/received (see Figure 2).

Regarding claim 37, Hasegawa discloses a digital data terminal (see Figures 1 and 9), comprising:

- a compression digital unit (2) to provide compressed digital data (see MIDI files from column 1);

- a memory to store compressed digital data (23);

- a wireless transmitting/receiving unit to transmit and receive digital data (25); and

- a controller (22) to control a flow of digital data (see MIDI files from column 1), wherein the controller (22) determines whether received digital data includes recognition data (Ck/Figure 8) to recognize a compressed data file (Cc),

- and wherein the recognition data (Ck/Figure 8) and the corresponding compressed data file (Cc) are capable of being separately transmitted/received (see Figure 2).

Art Unit: 2645

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 21, 23-26, 29, 32, 39 and 40 are rejected under 35 U.S.C § 103(a) as being unpatentable over Hasegawa in view of Wendelrup, U.S. Patent Application Publication No. 2002/0023099 (hereinafter Wendelrup).

On the issue of claim 21, Hasegawa discloses a method for transmitting a compressed digital data file (see MIDI files from column 1), comprising:

providing an input window for inputting information of a receiver terminal (2);

providing a stored compressed data file list to allow a receiver at the receiver terminal to select a compressed digital file (Cc) to be transmitted (s25);

combining the input receiver information (Cc) and data information for identifying (Ck/Figure 8) the selected

Art Unit: 2645

compressed digital data file and transmitting (s31) the combined information to the receiver terminal (2); and

wherein the data for identifying (Ck/Figure 8) the selected compressed digital data file and the selected compressed digital file (Cc) are separately transmittable (see Figure 2).

With further respect to claim 21, nowhere does Hasegawa mention determining a transmission path of the selected compressed data file according to a state of the receiver terminal. However Wendelrup discloses this ancient mystery (observe paragraph 0034). For this reason, it would have been apparent to an individual of plain ability in the field to alter Hasegawa with determining a transmission path of the selected compressed data file according to a state of the receiver terminal as explained by Wendelrup. This modification would have greatly improved the convenience of Hasegawa by giving the user the option of selecting a preferred storage location as suggested by Wendelrup (see Figure 3).

Regarding claim 23, see paragraph 0023 of Wendelrup.

Regarding claim 24, see Figure 3 of Wendelrup.

Regarding claim 25, see Figure 3 of Wendelrup.

Regarding claim 26, see paragraph 0023 of Wendelrup.

On the issue of claim 29, nowhere does Hasegawa mention the claimed determining step. However Wendelrup discloses this ancient mystery (observe Figures 2-3 and paragraph 0034). For this reason, it would have been apparent to an individual of plain ability in the field to alter Hasegawa with the determining module of Wendelrup. This modification would have greatly improved the convenience of Hasegawa by giving the user the option of selecting a preferred storage location as suggested by Wendelrup (see Figure 3).

On the issue of claim 32, nowhere does Hasegawa mention the claimed determining step. However Wendelrup discloses this ancient mystery (observe Figures 2-3 and paragraph 0034). For this reason, it would have been apparent to an individual of plain ability in the field to alter Hasegawa with the determining module of Wendelrup. This modification would have greatly improved the convenience of Hasegawa by giving the user the option of selecting a preferred storage location as suggested by Wendelrup (see Figure 3).

On the issue of claim 39, nowhere does Hasegawa mention the controller includes a function of determining whether the recognition data can be received based on a type or a capacity of the recognition data. However Wendelrup discloses this ancient mystery (observe Figures 2-3 and paragraph 0034). For this reason, it would have been apparent to an individual of plain ability in the field to alter Hasegawa with the determining module of Wendelrup. This modification would have greatly improved the convenience of Hasegawa by giving the user the option of selecting a preferred storage location as suggested by Wendelrup (see Figure 3).

Regarding claim 40, see paragraph 0023 of Wendelrup.

5. Claim 22 is rejected under 35 U.S.C § 103(a) as being unpatentable over Hasegawa combined with Wendelrup, in further view of Carpentier et al, U.S. Patent Application Publication No. 2005/0223225 (hereinafter Carpentier).

As per claim 22, the combination of Hasegawa and Wendelrup discloses the data information for identifying includes a synchronization code informing transmission of the compressed digital data file and a type and name of the data file (see Figure 8 of Hasegawa or Figures 4 and 5 of Wendelrup). The

Art Unit: 2645

combination of Hasegawa and Wendelrup does not explicitly teach the data for identifying includes the capacity of data file. All the same, Carpentier discloses this limitation (see paragraph 0008). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Hasegawa and Wendelrup with the unique identifying information of Carpentier. This modification would have improved the system's user friendliness by providing additional profile information to the user as suggested by Hasegawa (see Figure 8).

6. Claims 28, 31 and 38 are rejected under 35 U.S.C § 103(a) as being unpatentable over Hasegawa combined with Carpentier.

On the issue of claim 28, Hasegawa discloses the data information for identifying includes a synchronization code informing transmission of the compressed digital data file and a type and name of the data file (see Figure 8). Hasegawa does not explicitly teach the data for identifying includes the capacity of data file. All the same, Carpentier discloses this limitation (see paragraph 0008). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hasegawa with the unique identifying information of

Art Unit: 2645

Carpentier. This modification would have improved the system's user friendliness by providing additional profile information to the user as suggested by Hasegawa (see Figure 8).

Claim 31 is rejected for the same reasons as claim 28.

Claim 38 is rejected for the same reasons as claim 28.

7. Claims 33-36 are rejected under 35 U.S.C § 103(a) as being unpatentable over Hasegawa combined with hereinafter Carpentier in further view of Wendelrup.

With respect to claim 33, the combination of Hasegawa and Carpentier fails to disclose the claimed determining feature. However Wendelrup discloses this ancient mystery (observe Figures 2-3 and paragraph 0034). For this reason, it would have been apparent to an individual of plain ability in the field to further alter the combination of Hasegawa and Carpentier with the determining module of Wendelrup. This modification would have greatly improved the system's convenience by giving the user the option of selecting a preferred storage location as suggested by Wendelrup (see Figure 3).

Regarding claim 34, see paragraph 0034 of Wendelrup.

Regarding claim 35, see paragraph 0034 of Wendelrup.

Regarding claim 36, see paragraph 0034 of Wendelrup.

Response to Arguments

8. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2645


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O.A.

Olisa Anwah
Patent Examiner
October 27, 2005


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600